

October 2018

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Work in progress: the Guiding Principles in Georgia

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The Guiding Principles enjoy a long history of support in Georgia. However, their successful implementation is still a work in progress.

Conflict-induced internally displaced persons (IDPs) have always enjoyed special protection under Georgian law. In 1996, two years prior to the launch of the Guiding Principles on Internal Displacement, Georgia enacted its own law on internal displacement. Intended to protect those who had been forced to flee from the two secessionist regions of Abkhazia and South Ossetia in the early 1990s, the law conferred a special legal status on IDPs, entitling them to receive benefits including a monthly allowance from the state.

Although the allowance has never been sufficient to cover basic needs, it is an important source of support, and also has a symbolic value, signalling that the IDPs' situation is of concern to the government.¹ However, apart from providing this small monthly allowance, the Georgian government lacked a strategy to assist and protect IDPs. Hence, for many years IDPs have been marginalised in Georgian society, continuing to live in the dilapidated public and private buildings where they initially found shelter after their flight.

The launch of the Guiding Principles in 1998 did not evoke an immediate paradigm change, yet it had a tangible impact. The government quickly accepted the Principles as the international normative framework on which national and local action should be based. In 2000, the government adapted its national law on internal displacement, removing several legal provisions that hindered IDPs from fully accessing their rights as Georgian citizens. A national policy framework on internal displacement that followed in 2007 (known as the State Strategy for IDPs) also echoed the government's firm commitment to the Guiding Principles, including – for the first time – recognition of the existence of a solution open to IDPs other than return. However, it was only the renewed

outbreak of armed violence in August 2008 and accompanying new wave of forced displacement that provided the political momentum and attracted the necessary funding to advance IDPs' local integration. Yet, instead of taking a broad needs-based approach, the government and its main donors predominantly focused on providing IDPs with durable housing solutions.²

In 2014, in addition to its continued focus on durable housing solutions, the government adopted a livelihood strategy, which promotes specific measures to foster IDPs' self-reliance. In the same year, a new law on IDPs also entered into force to align the legal framework with international standards. The new law protects IDPs from being evicted from premises of which they are legally in possession, states that all IDPs should receive an equal allowance, introduces a simplified procedure for granting IDP status, recognises IDPs' right to restitution of property, and redefines the concept of family in order to respect the right to family unity.³

Despite these changes in law and policy, the general conviction still prevails among the authorities that providing IDPs with durable housing equals a durable solution. Meanwhile, continuous monitoring and profiling proves that even those IDPs whom the State has provided with durable housing are still vulnerable and often in need of financial and non-financial support. Problems still prevalent among IDPs include: isolation and exclusion from larger social networks; lack of livelihood opportunities and access to land near their settlements; poor health; and lack of or inadequate information about their rights and support opportunities.

In comparison with other vulnerable groups, IDPs depend more heavily on remittances or social benefits and continue to face barriers to accessing the same rights and entitlements as others.⁴ In other



Originally a hospital until condemned as unfit, this building in Tbilisi, Georgia, was re-opened in 1993 to accommodate IDPs from Abkhazia.

words, the Guiding Principles have not yet been fully implemented in Georgia.

Impediments to implementation

There have been three main obstacles to full implementation. First, internal displacement is a highly political issue in Georgia, as it is intrinsically linked to the territorial integrity of the Georgian state. Although the government recognises that its control over the two secessionist regions of Abkhazia and South Ossetia has been lost for the time being, the right of the displaced to return to their homes – and the reconsolidation of government control in these areas that this would demonstrate – remains its most important political objective. The local integration of IDPs can therefore only serve as a temporary solution until their return becomes possible, especially because IDPs themselves prefer return over other durable solutions.⁵ However, the focus on return – both by the government and by the displaced – has impeded a more rapid implementation of the Guiding Principles on Georgian-controlled territory.

Second, offering durable housing solutions to those who are displaced is a relatively straightforward task that can

easily be measured; in contrast, a needs-based approach to IDP protection and assistance is harder to quantify and depends more strongly on comprehensive and accurate data on a wide range of aspects, such as livelihoods, education and health care. The Georgian government still lacks the institutional and financial capacity to meet these wider needs.

Third, and related to the second point, the government is eager

to present quick and visible results. In attempting to achieve a rapid outcome, the government fails to involve IDPs in policy-making and implementation processes, in violation of the Guiding Principles.

From status-based to needs-based

Twenty years after the launch of the Guiding Principles, Georgia still has no national support scheme that fully reflects the individual needs of the IDPs. To change this, the government has proposed moving from a status-based to a needs-based approach in IDP assistance. This means that IDPs will no longer receive a fixed allowance but will instead receive support that is tailored to their individual needs. This has been welcomed by the international community in Georgia and by local civil society as a more efficient way to address remaining protection gaps. It also helps to bring the national approach in line with the Guiding Principles.

Details about the reform, however, remain unknown, and its implementation is likely to be postponed in light of a recent government reshuffle. To the surprise of many stakeholders, the new Georgian Prime Minister Mamuka Bakhtadze dismantled several ministries with the aim

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of improving government efficiency. The Ministry for IDPs was officially abolished in July 2018 and its tasks allocated to other ministries, including the Ministry of Infrastructure and Development which is now implementing the IDP durable housing solution scheme, and the Ministry of Health and Social Affairs which became responsible for all other IDP-related issues. Many practicalities still need to be resolved, suggesting that reforms on IDP issues will be on hold until this reshuffle is completed.

The closure of the Ministry for IDPs may suggest that IDPs are no longer a priority for the government, and there may therefore be a further reduction of support. Consequently, the role of the international community and local civil society is ever more important in upholding the rights of the displaced and making sure that the government fulfils its responsibilities. Overall, the Guiding Principles have always enjoyed support in Georgia but ensuring their full and effective implementation will remain a work in progress for a long time to come.

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This article is written in a personal capacity and does not necessarily represent the views of the Danish Refugee Council.

1. Initially, the allowance provided depended on whether they lived in a collective centre (initially the equivalent of US\$5.5, later \$12) or in private accommodation (\$7, later \$15). Since 2014, all IDPs receive the same amount (\$17), unless their gross income is above a certain level.
2. Defined in Georgian law as: "...providing accommodation, transferring living units into ownership, or providing adequate monetary or other type of assistance to IDP families".
3. Law of Georgia on Internally Displaced Persons – Persecuted from the Occupied Territories of Georgia, 1 March 2014 <http://mra.gov.ge/res/docs/20140617144442634.pdf>
4. World Bank (2016) *Georgia - Transitioning from Status to Needs Based Assistance for IDPs: A Poverty and Social Impact Analysis* bit.ly/WorldBank-Georgia-2016
5. See UNHCR (2015) *Intentions Survey on Durable Solutions: Voices of Internally Displaced Persons in Georgia*, p12. According to this survey, 73.4% of IDPs in Georgia would opt for return to their place of origin. www.refworld.org/pdfid/55e575924.pdf